

Public Act 09-114, An Act Concerning Probate Court Reforms and Establishing a Probate Redistricting Commission

Frequently Asked Questions of Interest to Municipal Officials

Public Act 09-114, An Act Concerning Probate Court Reforms and Establishing a Probate Redistricting Commission, will result in significant changes to Connecticut's probate court system. This document is intended to address questions concerning the legislation's impact on municipalities. Cities and towns have been vital partners with the probate courts since the inception of the system, and the people served by the courts will benefit enormously if we succeed in maintaining that mutually beneficial relationship.

What is the role of mayors, first selectmen, and local legislative bodies in the consolidation process?

Historically, court consolidations were initiated by the towns that wished to participate in a merger. The legislative bodies of each town would typically vote on a resolution to support the proposed consolidation. The General Assembly would then consider legislation to implement the merger.

P.A. 09-114 changes the manner in which consolidations will occur. The legislation establishes a 12-member Probate Redistricting Commission that must develop a redistricting plan by September 15, 2009. Once the commission has completed its work, the General Assembly will convene in a special session to consider the commission's recommendations. Any plan approved by the General Assembly will then be presented to the Governor for her consideration.

While the decision about the configuration of probate districts lies with the Redistricting Commission, the General Assembly, and the Governor, input from municipal officials is critical. City and town leaders are urged to collaborate with probate judges and neighboring towns and submit comments to the Redistricting Commission. In addition, the Redistricting Commission will be conducting a public hearing, which is yet to be scheduled. Meeting notices for the commission will be posted at www.jud.ct.gov/probate. Follow the link to the Probate Redistricting Commission.

Will larger courts cost towns more money?

P.A. 09-114 does not change the statutory obligations of municipalities towards their probate courts in any way. Under current law, cities and towns must provide facilities for probate courts and basic office requirements such as furnishings, copiers, document recording, telephone service, postage, stationery, and supplies.

Regional courts will provide some opportunities to reduce these office expenses. For example, a regional court will need only one copier, rather than three or four, and one set of stationery, rather than several. Significant savings can also be achieved in the areas of dedicated phone lines and electronic document storage systems. By reducing the number of lines and storage systems to 50, we estimate that municipalities statewide would enjoy an aggregate savings of \$145,000 annually.

In some cases, it will be necessary to modify facilities to accommodate a larger regional court. The community that hosts the court may charge rent to the other participating towns to offset these costs. These other towns will be able to put the space previously occupied by the probate court to alternate uses.

The vault containing our probate records is bursting at the seams. How can we accommodate more probate records without the expense of building a new vault?

The probate court system is in the process of implementing a digital record storage system that will greatly reduce the need for vault space in the future. Courts currently using the system are able to scan documents, which are then accessible by computer and searchable by the public. The digital records are backed up by a central server and are also microfilmed to add an additional margin of safety.

Discussions are currently under way with the State Library to act as a central repository for the older probate volumes, ensuring both safekeeping and public access for these records. If this effort is successful, fireproof file cabinets can replace vault storage, since only active files that have not yet been scanned and microfilmed will require that level of security.

Is it correct to say that my town won't be part of the redistricting process because the population is greater than 40,000?

While the legislation sets 40,000 as a target *minimum* population for a probate district, P.A. 09-114 does not stand for the proposition that the average court size will be 40,000. To satisfy the requirement that the state have no more than 50 courts, redistricting will likely require the consolidation of many courts into districts in the range of 50,000 to 70,000 in population. The legislation requires that the Redistricting Commission consider factors such as geographic accessibility, communities of interest, and the availability of municipal facilities in making determinations about the size of particular districts.

If municipalities agree to merge their courts, will that plan be guaranteed to be part of the final plan?

While it is critical that cities and towns offer input about regional arrangements that would work best for their communities, there can be no guarantee that a

merger would be implemented solely on the basis of an agreement between the affected municipalities. The Redistricting Commission will give strong consideration to input from municipalities, but it may need to make adjustments to achieve a statewide plan that meets the statutory criteria.

Could a court establish a satellite office in a town that is part of the district?

The restructured probate court system does not contemplate satellite offices with resident staff and the attendant office and personnel expenses. However, in much the same way that judges currently conduct hearings away from the court when warranted by particular circumstances, it is entirely possible that arrangements could be made for court staff to conduct office hours at various locations within the probate district to provide more convenient access for the public.